

1 [Settlement of Lawsuit - Pacific Rod and Gun Club]

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3 **Ordinance authorizing settlement of the unlawful detainer lawsuit entitled City and**

4 **County of San Francisco, et al., v. Pacific Rod and Gun Club, et al., filed on September**

5 **24, 2012, in San Francisco Superior Court, Case No. CUD-12-642832, regarding City-**

6 **owned property located at 520 John Muir Drive in San Francisco; material terms of the**

7 **settlement agreement include City and Club executing an amended and restated**

8 **month-to-month lease with improved insurance, indemnity and other provisions in**

9 **favor of the City, a new 90-day termination notice requirement, and a stipulation for**

10 **entry of judgment without trial to facilitate City obtaining a writ of possession following**

11 **such notice period.**

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13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The City Attorney is hereby authorized to settle the action entitled "City and

15 County of San Francisco, et al., v. Pacific Rod and Gun Club, et al.", San Francisco Superior

16 Court, Case Number CUD-12-642832 by entering into a settlement agreement between the

17 City and County of San Francisco (City) and the Pacific Rod and Gun Club (Club) with

18 material terms that provide: (1) the San Francisco Public Utilities Commission (SFPUC) and

19 the Club will enter into an amendment and restatement of a lease, originally entered into

20 between the City and Club in 1934, for property located on Lake Merced at 520 John Muir

21 Drive in San Francisco (Lease Premises), on a form approved by the City Attorney, to improve

22 the insurance, indemnity and other provisions of the lease for the protection of the City, (as

23 authorized by the SFPUC on October 23, 2012, subject to this Board's approval of the

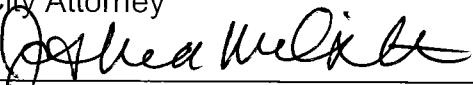
24 Settlement Agreement); (2) the Amended Lease will provide for a ninety day advance notice

25 upon termination of the Amended Lease, instead of the current thirty day lease termination

1 notice requirement, to facilitate the Club's orderly vacation of the Lease Premises in the event
2 of termination; and (3) to allow for entry of a stipulated judgment without trial and City's
3 acquisition of a writ of possession in the event that Club defaults under the terms of the
4 Amended Lease or fails to vacate the property ninety days following receipt of a notice of
5 termination from the SFPUC.

6 Section 2. The above-named action was filed in San Francisco Superior Court on
7 September 24, 2012, and the following parties were named in the lawsuit: Pacific Rod and
8 Gun Club, a California non-profit corporation.

9 APPROVED AS TO FORM AND
10 RECOMMENDED:

11 DENNIS J. HERRERA
12 City Attorney


13 JOSHUA MILSTEIN
14 Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO PUBLIC UTILITIES
COMMISSION


15 HARLAN L. KELLY, JR.
16 General Manager, SFPUC

17 APPROVED:
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26 Donna Hood, Secretary

SUPERVISOR SEAN ELSBERND
BOARD OF SUPERVISORS

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11/5/2012

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revised on: 11/5/2012 - n:\pucs\gun club sett ordinance [2] 110112.doc



**City and County of San Francisco
Tails
Ordinance**

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 121106

Date Passed: December 11, 2012

Ordinance authorizing settlement of the unlawful detainer lawsuit entitled City and County of San Francisco, et al., v. Pacific Rod and Gun Club, et al., filed on September 24, 2012, in San Francisco Superior Court, Case No. CUD-12-642832, regarding City-owned property located at 520 John Muir Drive in San Francisco; material terms of the settlement agreement include City and Club executing an amended and restated month-to-month lease with improved insurance, indemnity and other provisions in favor of the City, a new 90-day termination notice requirement, and a stipulation for entry of judgment without trial to facilitate City obtaining a writ of possession following such notice period.

November 15, 2012 Rules Committee - RECOMMENDED..

December 04, 2012 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague and Wiener
Absent: 1 - Kim

December 11, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 121106

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
12/11/2012 by the Board of Supervisors of
the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

12/18/2012

Date Approved